

## **Municipal Flood Control Grant Program Property Acquisition Appraisal Guide**

Applicants applying to the Department of Natural Resources for a “property acquisition” grant must follow specific appraisal procedures in order to be eligible to receive grant awards. These procedures are designed to ensure fairness, meet federal and state government requirements, and also protect the interests of the property owner (seller) and the state. Failure to comply with these procedures may disqualify a grant applicant from the grant award selection. The DNR Region Environmental Grant Specialist or the DNR Grant Program Manager can answer any questions you have regarding these guidelines. (See page 2 of the *Municipal Flood Control Grant – Program Guide and Application Guide* for grant contact names etc. located on the following web site: [www.dnr.state.wi.us/org/caer/cfa/Ef/flood/grants.html](http://www.dnr.state.wi.us/org/caer/cfa/Ef/flood/grants.html))

**Municipal Flood Control Grant Program “Property Acquisition” means fee title ownership or an easement in perpetuity in the land as defined in s. NR 199.03(16), Wis. Adm. Code.**

**NOTE:** Structure must meet the definition of s. NR 199.03(19), Wis. Adm. Code, as follows:

**“Structure”** means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, buildings, storage tanks, bridges, dams, channels and culverts.

Municipal Flood Control acquisition and development will *require removal of the structure* on the property to be acquired for the development of permanent open space for flood storage or flood water flowage to a watercourse.

**Eligible flood control acquisition and development projects must meet one of the following criteria:** (see reference NR 199.05))

- Flood damaged structures to be removed on the property to be acquired cannot be rebuilt or repaired due to zoning restrictions.
- Structures to be removed on the property to be acquired are in the 100 year floodplain.
- Structures to be removed on the property to be acquired have repetitive loss or substantially damaged structures due to flooding.
- Flood damaged structures to be removed are other than buildings on the property to be acquired. (see above definition of structure: ex. bridges, dams, channels, culverts)
- Acquisition of vacant land to provide additional flood storage or to facilitate natural or more efficient flood flows to a watercourse.

- Acquisition of a perpetual conservation easement for permanent open space use and protecting natural resources to facilitate natural or more efficient flood flows to a watercourse. *(Conditions of easement to be reviewed and approved by the DNR Grant Program Manager to assure that the requirements of ch. NR 199 and s.700.40 Uniform conservation easement act are met.)*
- Acquisition of a flowage easement allowing the holder nonpossessory interest in real property granting the holder the right to flow the grantor's lands for flood storage or natural riverine hydrologic cycles *(see reference NR 199.03(7))* to facilitate natural or more efficient flood flows to a watercourse. *(Conditions of easement to be reviewed and approved by the DNR Grant Program Manager to assure that the requirements of ch. NR 199 are met.)*

### Notification to property owner (seller)

We recommend that the property owner (seller) be notified that your municipality may be receiving grant assistance from the state. Because your municipality cannot purchase the property with flood damaged structures, vacant land, or easement unless assured of receiving a grant award, you may wish to include the following clause in the Offer to Purchase:

*"Name of Municipality is applying for a grant under the Municipal Flood Control Grant Program. This offer is contingent upon receipt of a Municipal Flood Control Program grant award."*

If you are acquiring a perpetual conservation easement or flowage easement with a Municipal Flood Control Program grant, we require disclosure of the grant conditions to the owner (seller) so the owner (seller) understands the extent of the Department's involvement in the project. You must include the conditions of the easement with your application for a grant award for review by the DNR Grant Program Manager.

All negotiations must be conducted on a "willing seller - willing buyer" basis without any threat of condemnation. **NO FUNDS will be issued for property acquired through the "Power of Eminent Domain."** *(see reference s. NR 199.10(1)(m))*

A "willing seller" is **NOT** eligible for relocation rights as this is not a forced buy out, therefore, the grant applicant should not be providing the property owner (seller) information regarding "The Rights of Landowners Under Wisconsin Eminent Domain Law." When an agency works on a buy out negotiation as "Willing Seller," that agency needs to give up the authority of "Eminent Domain Power."

Commerce code: 202.01(14)(b)6 requirement for a displaced person does not include, among others: An owner-occupant who voluntarily sells a property after being informed in writing that the agency will not acquire the property by condemnation if a mutually satisfactory agreement of sale is not obtainable. In such cases, however, any tenants who occupy the property are displaced persons under ch. Comm 202.

Contact the following web site to obtain a waiver of relocation assistance for a “willing seller-voluntary buy out” under s. Comm 202.12 or information for tenant relocation displaced persons rights: <http://www.commerce.state.wi.us/cd/CD-bcf-rpr.html>

## Property Boundaries

It is important to verify all property boundaries early in the property acquisition process. At the least, you will need to walk the boundaries to see if they and the corners are accurately marked. The best way to verify boundaries is with a survey. If there are any questions about the boundaries or potential encroachments, *a survey should be obtained*. It may help avoid disputes later. If you receive a grant award, the Department will cover 70% of the cost of a survey.

## Appraisals

Must be submitted with your grant application: One appraisal is required for property valued below \$200,000; two are required for property valued over \$200,000. The Department may also request or order additional appraisals if the appraisals submitted by the grant applicant are not adequate. (*see reference s. NR 199.10(1)(e)*)

All appraisals must follow DNR appraisal guidelines as required by s. NR 199.10(1)(c), Wis. Adm. Code. These guidelines are explained in detail in a technical bulletin called the **Real Estate Appraisal Guidelines**, which is available on the web site: [www.dnr.state.wi.us/org/caer/cfa/Ef/flood/grants.html](http://www.dnr.state.wi.us/org/caer/cfa/Ef/flood/grants.html) or contact your DNR Region Environmental Grants Specialist or DNR Grant Program Manager for a hard copy to be mailed to you.

The guidelines describe three types of appraisals, which are appropriate for different property values:

Property valued above \$50,000	Full Narrative Appraisal Report
Property between \$15,000 and \$50,000	Short Form Appraisal
Property below \$15,000	Opinion of Value

All appraisals for applications selected for grant awards are subject to Department review and approval by the appropriate DNR Region Real Estate Review Specialist. Because the Department cannot accept an appraisal that fails to conform to the guidelines, we encourage you to follow the procedures and recommendations listed below. Failure to do so may result in an appraisal that cannot be accepted. This will waste time and money and be discouraging for you. The Department cannot provide 70% payment reimbursement on appraisals that do not meet Department standards. (***Please note: Only appraisals that meet the selection criteria and the DNR Real Estate Standards are eligible for payment reimbursement allowable cost.***)

1. Choose a qualified appraiser. A State Licensed Certified “Residential” or Certified “General” Appraiser must do all appraisals. (*see reference NR 199.10(1)(d)*). Choose an appraiser who is familiar with the Department guidelines; has previously completed acceptable work in public acquisition; is familiar with the real estate market in your area; and, if the appraisal is for a perpetual conservation easement or flowage easement, has experience completing these types of easement appraisals. An **Appraiser List** is provided on the web site: [www.dnr.state.wi.us/org/caer/cfa/Ef/flood/grants.html](http://www.dnr.state.wi.us/org/caer/cfa/Ef/flood/grants.html) or contact your DNR Region Environmental Grants Specialist or DNR Grant Program Manager for a hard copy to be mailed to you. *This list should not be construed as a recommendation by the Department to hire only those appraisers on the list, nor is it a guarantee that any appraiser hired from the list will perform quality work. You are encouraged to get bids from several appraisers and check references before selecting an appraiser for the assignment.*
2. **Any appraisal commissioned by the owner (seller) of the property will be rejected.**
3. Your selected appraiser may contact the DNR Region Real Estate Review Specialist and discuss the appraisal assignment BEFORE commissioning an appraisal. *The DNR Region Real Estate Review Specialist will work with your appraiser to ensure compliance with the guidelines.* Your DNR Region Environmental Grants Specialist or your DNR Grant Program Manager can provide you with the name of the DNR Region Real Estate Review Specialist for your appraiser to contact. *We request that the grant applicant **does not** contact the DNR Region Real Estate Review Specialist so that the fair market value is based on a value not influenced by the buyer of the property.*
4. Provide your appraiser with a copy of the most current **Real Estate Appraisal Guidelines** and insist that he/she call the DNR Region Real Estate Review Specialist before beginning the assignment. DNR Region Real Estate Review Specialists would rather spend 10 minutes talking with your appraiser beforehand than many hours reviewing a poor appraisal.
5. Indicate to the appraiser that the appraisal must be approved by the DNR, as well as your municipality, before a grant award may be issued. The appraiser should also agree to fully cooperate with the DNR Region Real Estate Review Specialist and the DNR Grant Program Manager regarding additional information as required through the DNR Grant Program Manager.
6. Obtain quotes from several different appraisers as the cost can vary significantly.
7. When contracting with an appraiser, it is important to provide good instructions regarding the project assignment. (Changing the project assignment later may result in an additional charge.) Give the appraiser all the information she/he needs to do an accurate appraisal of the property:

- a. Whether the appraisal is for a fee simple acquisition or an easement
- b. Location of the property including county and township
- c. Maps: orthophoto, plat, CSM, soils
- d. Correct legal description, tax key number, survey or CSM # if one is available
- e. Correct acreage and land cover
- f. Description of any improvements that should be included in the appraisal
- g. For easement appraisals: copy of easement and summary of major conditions, including the size and location of any building envelopes
- h. Existing liens or encumbrances on the property
- i. Any special rights being retained by the owner
- j. Potential or prior property contamination (see Environmental Hazards Assessment below)

### **Contaminated Property**

The fair market value of property can be significantly impacted by contamination on the property itself or on adjacent property. Under no circumstances should a property that is suspected of being contaminated be appraised for a grant application. Information on “Clean Closure” with prior contaminated properties may be made within your grant application on the Environmental Hazards Assessment DNR form 1800-001. This information may effect the selection of your application for a grant award. See additional guidance regarding contaminated property provided on the web site: [www.dnr.state.wi.us/org/caer/cfa/Ef/flood/grants.html](http://www.dnr.state.wi.us/org/caer/cfa/Ef/flood/grants.html)